

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)
) Case No. 17 B 36922
RYAN PATRICK GALLAGHER) Chapter 13
)
Debtor(s)) Judge A. Benjamin Goldgar

NOTICE OF MOTION

To: Joel A Schechter, Esq., Law Offices Of Joel Schechter, 53 W Jackson Blvd., Suite 1522,
Chicago, IL 60604 - by electronic notice through ECF
Ryan Patrick Gallagher, 10648 West 154th Place, Orland Park, IL 60462
Marilyn O Marshall, Chapter 13 Trustee, 224 South Michigan Ave., Suite 800,
Chicago, IL 60604 - by electronic notice through ECF

PLEASE TAKE NOTICE that on **May 8, 2018** at **9:30 a.m.** or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge A. Benjamin Goldgar at 219 South Dearborn, Courtroom 642, Chicago, Illinois 60604 or in his absence, before any other judge who may be sitting in his place or stead, and shall then and there move this court pursuant to the attached Motion to Allow Costs of Collection, at which time and place you may appear. A copy of said Motion is attached hereto and herewith served upon you.

SHEFFIELD SQUARE TOWNHOME OWNERS
ASSOCIATION

/s/ Ronald J. Kapustka
By: Ronald J. Kapustka

Ronald J. Kapustka
Kovitz Shifrin Nesbit
175 North Archer Ave., Mundelein, IL 60060
Tel. (847) 537-0500 / Fax (847) 537-0550
rkapustka@ksnlaw.com; ndaily@ksnlaw.com
ARDC No. 6203095
KSN FILE (CSHE021-61006)

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

CSHE021:610063546865.1

CERTIFICATE OF SERVICE

The undersigned, and attorney, hereby certifies that I have caused a copy of the foregoing Notice and Motion to Allow Costs of Collection to be served upon the parties listed below, as to the Trustee and the Debtor's attorney via electronic notice on April 19, 2018 and as to the Debtor by causing same to be mailed in a property addressed envelope, postage pre-paid, before the hour of 5:00 pm on April 19, 2018 from 175 N. Archer Avenue, Mundelein, IL 60060.

Joel A Schechter, Esq., Attorney for Debtor, Law Offices Of Joel Schechter,
53 W Jackson Blvd., Suite 1522, Chicago, IL 60604 - by electronic notice through ECF

Ryan Patrick Gallagher, 10648 West 154th Place, Orland Park, IL 60462

Marilyn O Marshall, Chapter 13 Trustee, 224 South Michigan Ave., Suite 800,
Chicago, IL 60604 - by electronic notice through ECF

/s/ Ronald J. Kapustka
Attorney for Movant

Ronald J. Kapustka
Kovitz Shifrin Nesbit
175 North Archer Ave., Mundelein, IL 60060
Tel. (847) 537-0500 / Fax (847) 537-0550
rkapustka@ksnlaw.com; ndaily@ksnlaw.com
ARDC No. 6203095
KSN FILE (CSHE021-61006)

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

CSHE021:61006\3546865.1

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	
)	Case No. 17 B 36922
RYAN PATRICK GALLAGHER)	Chapter 13
)	
Debtor(s))	Judge A. Benjamin Goldgar

MOTION TO ALLOW COSTS OF COLLECTION

SHEFFIELD SQUARE TOWNHOME OWNERS ASSOCIATION, a secured creditor herein, by and through its attorneys, Ronald J. Kapustka of Kovitz Shifrin Nesbit, and moves this Honorable Court for an Order allowing the Costs of Collection to be paid pursuant to the Debtor's confirmed Chapter 13 plan as reasonable costs of collection and in support thereof, states as follows:

1. The above captioned Chapter 13 case was filed on December 13, 2017 and the chapter 13 plan was confirmed on March 6, 2018.

2. Sheffield Square Townhome Owners Association is incorporated under the laws of the State of Illinois as a non-for-profit corporation and is charged with the authority to administer the subject premises pursuant to the Declaration of Covenants for the Association (hereinafter referred to as "Declaration"), duly recorded with the office of the Recorder of Deeds;

3. Debtor is the legal owner of the property commonly known as 10648 West 154th Place, Orland Park, Illinois which is subject to the terms and conditions of the Declaration.

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

CSHE021:610063546865.1

4. The Declaration gives the Association the right to collect assessments from owners such as the Debtors herein and to maintain eviction actions and to recover attorneys' fees and costs from owners who fail to stay current on their assessments. Unpaid assessments are a lien on the property pursuant to the terms of the Declaration.

5. The costs of collection incurred by Sheffield Square Townhome Owners Association are secured pursuant to the terms of the Declaration;

6. As of this date, Sheffield Square Townhome Owners Association has incurred the following post-petition attorney's fees not already provided in Plan paragraph 3.2 as relating to representing Sheffield Square Townhome Owners Association interests in this case:

- (a) December 13, 2017 – \$106.00 Preparation of letter to Association advising of bankruptcy filing and providing direction as to how the account should be handled while the bankruptcy is pending;
- (b) December 19, 2017 – \$450.50 Request account ledger from management going back to a \$0.00 balance; prepare and file Proof of Claim on behalf of the Association; this is a flat fee which includes future monitoring and processing of all future trustee payments; forwarding payments to the Association with direction as to how payments should be applied to Debtor(s) account; Review of all notices for the pendency of the bankruptcy case and continuous monitoring of the bankruptcy file through completion of the bankruptcy case;

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

CSHE021:610063546865.1

- (c) January 9, 2018 – \$106.00 Review Debtor(s) proposed plan; preparation of letter to Debtor's counsel requesting the plan be amended to adequately provide for the Association's secured, pre-petition claim and providing a copy of the Association's Proof of Claim.

WHEREFORE, your Movant, Sheffield Square Townhome Owners Association prays for an Order Allowing the post petition costs of collection in the amount of \$662.50 to be added to the arrears amount in the Debtor's confirmed plan and for such other relief as this Court deems just.

SHEFFIELD SQUARE TOWNHOME OWNERS
ASSOCIATION

By: /s/ Ronald J. Kapustka
Ronald J. Kapustka

Ronald J. Kapustka
Kovitz Shifrin Nesbit
175 North Archer Ave., Mundelein, IL 60060
Tel. (847) 537-0500 / Fax (847) 537-0550
rkapustka@ksnlaw.com; ndaily@ksnlaw.com
ARDC No. 6203095
KSN FILE (CSHE021-61006)

NOTE: Pursuant to the Fair Debt Collection Practices Act you are advised that this law firm is deemed to be a debt collector attempting to collect a debt and any information obtained will be used for that purpose.

CSHE021:61006\3546865.1